File No. 127
1910.

Collection No.

A
CB
7/3/47

Impson Residency

Pros. Serial Nos. 1—9

Subject.

Treasure Trove

Disposal of two copper idols found in the Domlur village of the C + M Station

Previous References.	Later References.
F 107/86	F 260/11
	R F 156/41

Z. 97. (Blue).
90FP—6788&P—(G-1035)—10 3 30—1,00,000.

(40)

B. F. R.—S-1910.—1,000.

RESIDENT'S OFFICE.

Note Sheet.

File No. 127 of 1910

Letter No. 1955 *dated* 27/28 April 1910

from the Collector, Cuttack

SUBJECT.

Two copper idols found in the Bonduru village of the Cuttack Station

Flag A

Under rule 3 of the rules issued under Resident's notification No. 26 dated the 12 March 1908, the Collector must be guided by the advice of the Supt. of the Govt. Central Museum Works in the disposal of the treasure in question which is valueless. The Supt. is of opinion that the idols in question should be required on behalf of Govt., but this opinion is apparently based on the supposition that if the idols are not required for the museum, the Supt. of Archæological Survey, Southern Circle, wishes to consider the desirability of his requiring them for the Director General of Archæology.

A. L. L.

(2) It is submitted that he should first

(39)

first he decides whether the idols are wanted for the Madras Museum or by the Director General of Archaeology. If they are not wanted by either they can under section 10 of the Treasure Trove Act, VI of 1878, be delivered to the finder. If they are however wanted for the Museum or the Archaeological Dept. the question can then be considered whether they should be acquired on behalf of Govt. under sec. 16 of the Act, or whether an attempt should be not be made to treat the case as an exceptional one ~~as that~~ ~~be allowed over~~ the idol may be delivered to the villagers of Dombu as proposed by the Collector, the case being exempted from the operation of rule 3 of the Resolution of the 12th March 1908 -

(3.) If approved, the Collector might be asked to ascertain whether the idols in question are required for the Madras Museum, or if not, whether the Director General of Archaeology will require them

H.J.
2/5/10

Notes-continued

(38)

(4) The claims of religious connection & sentiment should in my opinion come before those of the Museum or the Arch: Dept. - provided of course that they are well founded. Expert Hindu opinion might be taken on this before the procedure recommended in para 2 & 3 of notes

Wg. 3/5

(5) 5. From the wording of the letters from H.H.S. Supdt. Govt. Museum, it is clear that the idols are not of special value to the Museum or D.G. of Archaeology. Therefore I wish to exempt them from Rule 3. How is this to be done?

Sen F.

5/4/10

A

if Colonel is assured that Jaipur really means to erect a temple I will give assurance to his satisfaction.

7/5/10

(6) The rules under the Treasure Trove Act as applied to the Jaipur State were made by the Resident under Section 19 of that Act & have the force of law. The authority which has the power to frame rules can change or revoke the rules it has framed. Similarly the

the case, it seems necessary that before the idols can be made over to the villagers, ~~the para.~~ 3 of the rules of the 12th March 1908 should be duly ~~revised~~ amended. Perhaps it will be sufficient to substitute the words ~~shall~~ "may be guided by this advice" for the words "shall be guided by this advice" in that paragraph. If this amendment be ~~approved~~ accepted, the necessary despatch anticipating it will be submitted for approval, but before this is done, the Collector may, if approved, be ~~asked~~ addressed in accordance with Resident's letter of 5th May 1910.

A on page 5 of notes.

Submitted.

H.
7/5/10

(7) The gist of his letter from the Secy. Tent. Museum is that the idols should be acquired on behalf of Tent. should the Collector see no objection to such a course, but that if he considered such acquisition to be inexpedient, the case should be treated as an exceptional one & the idols handed over to the finder (i.e. disposed of according to law). As the

Margin for binding not to be written on.

(36)

Notes—continued.

Margin for binding not to be written on.

Collector considers the acquisition of the idols on behalf of Govt. to be inexpedient; he might be regarded as being guided by the Govt's admon; if, with the permission of the Local Govt. (Govt.), he handed over the idols to the finder provided the latter gave the assurance ~~referred to~~ indicated in the Govt's notes of the 5th May 1910.

In this view of the case no amendment of the rules seems necessary.

Mr Richards may be consulted.

Vide Rule 3 of the Govt's Notn. No. 28 of the 12th March 1908.

No. 3008 of 13-5-10.

(8) To Mr Richards L.O.

12/5/10. The advice given being alternative it seems that whichever way you decide you may be said to have taken it? Can the assurance be procured?

No. 26 Encl in L.O. file pr. 127 of 10. HG. 19/5.

(9) Resubmitted.

I enclose copy of statement taken from Lokhanne Nanjappa and suggest that orders be

R. P. B.—7-09.—2,000.

6 (35)

deferred for 6 months to permit him to show that he is in earnest in the matter.

The Villagers appear to regard the finding a stroke of good luck

J. P. Richards
28-8-60

Margin for binding not to be written on.

Presumably Mr Richards means to see whether the man will really have the work done within six months and that he will not wait for orders to issue before commencing. His views may be accepted?

(10)

Resd.

W. 3/6.

Very well.
If after 6 months Govt is satisfied that a temple is being erected, the costs may be returned to Trustees.

(11)

[illegible]
4/6

(38)

Statement of Lakkanna Nanjappa.

(4A)

I have already given a statement that I intend to -- build a temple to accomodate the idols found in my field, and I adhere to the undertaking. I am prepared to spend about - Rs. 500/- on the temple. A Brahman must be appointed priest, I cannot decide this now. I am prepared to begin as soon as plans are sanctioned, and I am prepared to finish it within - 6 months of the plan being sanctioned. I shall have a plan ready within eight days. I wish to collect and appoint a --- panchayet to decide what should be done and to arrange for the proper management of the temple.

Mark of Lakkanna Nanjappa.

Copy.

Collector.

1/6/10

(33) 8

Notes—continued.

Margin for binding not to be written on.

(12) This may go to Mr. Richards u/o for information.

6/6

(13) Resubmitted. Please see my D.O. 230 of 16-1-11 soliciting orders about the disposal of the idols

J. Meiklejohn

4.2.11

(14) In the circumstances stated by the Director in his d.o. refd to above, the idols may be exempted from the operation of the rules framed under the Treasure Trove Act. Please see in the connection Mr. Fraser's note of 4th June 1910. Draft proceedings subs for approval

A.

p. 6 ante

Mr. 8.2.11

8/2/6

Rest.

Issue.

9/2 9/2

Sl. 3.

Issued no. 823 dated 13th February 1911

R. P. B.—7-09.—2,000.

(32) 9

Letter No.248, dated the 28.5.23, from the Collector _____C.& M. Station.

Please see the L.U.C.+ above notes.

Assuming that the treasure-trove is not to be acquired on behalf of Govt. under sec.16 of the Treasure-trove Act, it appears that the Act leaves no alternative but that the treasure should be returned to the finder if no claimant comes forward in answer to a notice under sec.5 and there is not a separate person claiming as owner of the place in which the article has been found-vide secs. 10 & 11.

Prima facie the present case satisfies the above conditions. The intention to acquire the treasure for Govt. was dropped(sls 1 & 3);no one appaared in answer to the notice at sl.1(d);and the finder and the owner of the place where the treasure was found are one and the same person.The find would, therefore, have to be returned to the applicant.

There is,however, a difference.As a matter of fact the case was not dealt with under the rules issued by the Resident under the Treasure-trove Act.The Collector's recommendation that the matter be exempted from the operation of the rules was accepted (sl.3).Technically it cannot be said that action under r.3 of the rules, referred to,was taken; although the Supdt., Museum, Madras, was consulted under this rule and he expressed a desire that the treasure should be acquired for Govt., he had no objection to the case being treated as exceptional and exempted from the rules. And the condition subject to which Govt. were prepared to return the find to Nanjappa was that, in accordance with the undertaking he had given, he would build a temple to accomodate the idols. The undertaking does not mention the place where the temple would be erected;but,obviously, when ~~the~~ it ~~undertaking~~ was given, the intention was to build the temple at Domlur where the idols were found; and it is undesireable that the idols should be transferred to

Margin for binding not to be written on.

15

16

17

para. 11 of notes

do 9 A

9 A of notes

Notes-*continued*

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to any other place in opposition to the wishes of the villagers who would have sentimental associations in the matter.

(18) If the temple was to have been erected at Domlur and Nanjappa has not done it, it seems that he has broken his undertaking and he cannot go back on his promise and say that he will build a temple in B'lore City. And, as the treasure has not yet been delivered, it is open to the Collector to proceed to acquire it on behalf of Govt. under sec.16 of the Treasure-trove Act and in accordance with r.3 of the Resident's rules.

Sl.3 may, therefore, if approved be cancelled and the Collector informed that there is no objection to his taking action under r.3. The Collector's actions are protected by sec.17 of the Act.

Draft for approval.

31.5.23

(19) The Collector has by his order dt 8. Dec 1909 declared the idols to be ownerless under section 9 of the Treasure-trove Act. It was then open for the Collector to require the idols on behalf of the Govt under section 16. The Resident (Sir S M. Fraser) did not favour the wide para 5 of notes above. He wanted to make over the idols to the finder if the Collector was assured that finder really meant

8.1/a

(30)

to erect a temple. It seems doubtful whether such a condition could have been imposed. Sections 10 & 11 under which treasure trove is ~~made~~ made over to the finder are silent on the point. The language of the sections is mandatory and perhaps the condition imposed was *ultra vires*. However as the idols have not yet been delivered to the finder they can be acquired for Govt, the procedure prescribed by rule 3 being followed. Draft below may therefore issue?

Margin for binding not to be written on.

Flag L.

A.S.
1/6.

Personally I should be very averse to the acquisition of these dols for Govt. On the other hand obviously this land is ~~[illegible]~~ [illegible] liable for the benefit of the [illegible] [illegible] [illegible] solution

(20)

Margin for binding not to be written

is to hand them over to the villagers on condition that they build a temple for them reception. But a temple should be built first. They might be given some months in which to do this, & be told that if they do not comply the idols will be handed over to Nanjappa.

Resolved

Nathan
4/6/25

(21)

Notes-continued.

Margin for binding and to the write on edge.

[illegible]

7/6

[illegible]

Para. 21

Draft submitted.

[illegible] 23 9/6

9. Issue

Sl 5. Issued no 45718 12. 6 1923

L.U.C. Sl. 6 Letter No. 248/50-1910. Dated 20. 7. 23 from the Collr, C & M. Station Bangalore

2 Q6 are see. sr. 4. Sl. 5 and Sl. 6

S. 6 In regard to the

S.G.P.H. [illegible] 21—10.000

Margin for binding not to be written on.

disposal of the idols the following are the courses which appear to be open :-

(i) To deliver them at once to the villagers free, if as suggested by the Committee they undertake to construct a temple in Doulur village within one year ; or

(ii) To deliver them to the finder ; or

(iii) Acquisition by the Govt. for the Govt. themselves, or

(iv) Acquisition on behalf of the villagers on the undertaking that the villagers would pay for the idols or

(v) Acquisition on behalf of the villagers with a view to the idols being given free to the villagers, if they undertake to construct a temple in the village within one year

(23) Course (i) is open to the objection that it is not quite in accordance with the law

Loc cit para 7 & 8 SC4

(24) (ii) To deliver them to the finder, This course is enjoined by sec 11 of the Treasure Trove Act, 1878 (unless the Govt. intend to acquire) It however is recommended by the Collector. [redacted] desirable as the finder wants to

(28)

remove the idols to Bangalore City, contrary to his original undertaking and against the wishes of the villagers.

para. 6 & 9 of Sl 4

Margin for binding not to be written on.

(iii) Acquisition by the Govt. for the Govt. themselves (25)

This was originally proposed by Mr. Austin but has not been favoured in the preceding notes.

(iv) Acquisition on behalf of the villagers on the undertaking that the villagers would pay for the idols (26)

This was suggested to the Collector but the Committee to which the matter was referred does not favour it. The Committee considers it "disrespectful & irreligious to purchase or pay anything for them inasmuch as the idols were discovered in their own village." It may however be noted that, if under the provisions of an Act the idols cannot be withheld from the finder except for price, the villagers cannot hope to get them free.

(v) Acquisition on behalf of the villagers with a view to the idols being given to them free, if they undertake to construct a temple in the village within one year (27)

This is another possible course but will cost the Govt. about Rs 100, according to the value estimated by the amildar in

Margin for binding not to be written on.

1909.

(28) The Collector asks whether he may proceed according to (i) above (page 14), though it is not quite legal. Perhaps (iv) or (v) may be followed.

For orders.

CVA
26/7/23

(29) The best course appears to be for Govt. to acquire the idols under section 16 of the Act and present them to the villagers gratis provided they erect a temple within a specific period. In 1910 the idols were valued at Rs 100/- The Collector may be asked what the present value is & from what budget head he can find the money. Under section 16 the value of the materials of the idols plus one-fifth thereof has to be paid

S. 1/c

(30) 26/7 I think on the whole this is the best course. 100/- is a small sum to pay, if everybody can be satisfied thereby. The Hall should

(25)

Margin for binding not to be written on.

(32)

The Collector quotes sec.6 of the Indian Treasure-trove Act (VI of 1878) and asks whether the money with which the idols are to be acquired need be paid to any one at all. It does not appear proper that the claim of the finder of the treasure should now be determined with reference to section 6 of the Act. It has to be noted that the inquiry which followed the notification referred to in sec.6 was already completed and that the Collector has under sec.9 declared the treasure to be ownerless. What should next follow is described in sec.10. This section says that "when a declaration has been made in respect of any treasure under sec.9, such treasure shall, in accordance with the provisions hereinafter contained, either be delivered to the finder thereof, or be divided between him and the owner of the place . . . ." It does not seem possible now to go back to sec.6 and say that because the finder did not appear in response to the notification under sec.5 his right has been forfeited. Probably, under the circumstances of the case at the time, the finder thought it was superfluous for him to appear, as the Builder had already mentioned him in his report. The view is also possible that the notification referred to in sec.6, which is issued by a Collector on receiving a notice from the finder under sec.4, requires only persons other than the finder to appear. Sec.6 does not, it is subd., override sec.10.

S 1/a

S 1/c

If sec.6 can now be resorted to, as suggested by the Collector, one might as well quote sec.20 and say that because the finder failed to give the notice required by sec.4, his share of the treasure or the money in lieu thereof "shall vest in Her Majesty." Under sec.4, the finder of a treasure shall, as soon as practicable, give a notice to the Collector in writing; in the present case, the treasure was

found

on 1st July 1909, and it was the finder who submitted a report to the Collector on 8th July 1909, saying (among other things) that the discovery of the treasure was brought to his notice by the village officers of Domalur. But it might be said that the finder reported sooner than one might reasonably expect the finder to give the notice in writing required by sec.4.

s 1/c

(24)

Margin for binding not to be written on.

The proper course seems to be to adhere to the Collector's order of 8th December 1909, under which the money equivalent of the treasure will be payable to the finder, under the provision of sec. 16

s 1/a

For orders.

CVR
13.10.23

(23)

For the present the Collector's proposal in para 2 of l. u. c may be accepted. At the present stage it seems doubtful whether the finder can be refused the idols or their value, but no value need be paid for the present as there is a possibility of the villagers failing in putting up a temple

13/10

I am inclined to agree with Mr Austin that it is really not necessary to pay anyone at this late stage, but

(23)

Notes—continued

Margin for binding not to be written on.

if the finders comes forward & makes a claim he ~~[illegible]~~ should be paid.

I would simply say that the initiative may be left to ~~[illegible]~~ him.

Resd

Matter
15/10/23

16/10

16/10

Draft subd.

CUO
15.10.23

20/10

Issued No 8463 of 23.10.23

H
9

RESIDENT'S OFFICE,
BANGALORE.
Register No. 2456
Date of Receipt 28/4
File No. 1-27/6 Cir.

B. P. B.—9-09—300.

No. 1955 Enc. Abstract & photo

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

Dated 27/28 April 1910.

FROM

F. J. Richards, Esq., I. C. S.,
COLLECTOR,
CIVIL AND MILITARY STATION,
BANGALORE.

To Major. W. G. Grey. I. A.,
~~The~~ FIRST ASSISTANT TO THE HONOURABLE THE RESIDENT
IN MYSORE.

SIR,

In forwarding herewith copy of my Proceedings No. 5056 dated the 8th December 1909 and of the report and Notification referred to therein regarding two copper idols dealt with under the Indian Treasure Trove Act VI of 1878 as applied to the Civil and Military Station, Bangalore, I have the honour to state that, in accordance with Rule 3 of the Hon'ble the Resident's Notification No. 26 dated the 12th March 1908, the Superintendent of the Government general Museum, Madras, was consulted as to whether there was any objection to handing over the idols to the finder thereof. It was pointed out to him that the villagers of Domlur, where the idols were found, wanted to construct a small temple in the village consecrating these idols and that great disappointment would be felt by them if they were acquired on behalf of Government.

2. Mr. Henderson the Offg. Superintendent Government Museum, Madras, after consulting the Superintendent ~~Arch~~ Archaeological Survey Southern circle, reports that the idols should be acquired on behalf

behalf of Government or the Government should be moved in the matter if the acquisition is considered inexpedient. A copy of the Superintendent's letter on the subject is enclosed.

3. As the villagers of Domlur strongly object to the -- acquisition of the idols on behalf of Government and the idols are not of exceptional interest, I would strongly recommend - their being exempted from the operation of the Rules.

4. A photograph of these images is also enclosed for - favour of perusal by the Hon'ble the Resident and return -- when no longer needed.

I have the honour to be,

Sir,

Your most obedient servant,

Collector.

MDS.
25/4/10.

PROCEEDINGS OF THE COLLECTOR,

Civil and Military Station of Bangalore.

Dated 8th December 1909.

No. 5056.

Read:- Report of the Amildar, Civil and Military Station of Bangalore No. 354 dated 8th July 1909 bringing to notice the finding of two copper idols, one representing "Easwara and the other Parvathi" in a hedge of the rick yard of one Lackanna Nanjappa on the evening of 1st July 1909.

*No. 2823. published in the Gazette of India Part II. July 24th 1909.

Notification dated 16th July 1909 issued by this office under section 5 of the Indian Treasure Trove Act VI of 1878 directing all persons claiming the said treasure to appear personally or by agent on Tuesday the 23rd November 1909 at 1P.M.

O.R D.E R.

No one has come forward to claim the treasure and prove the ownership thereof. From all enquiries made, it is ascertained that the idols were discovered in a hedge in the rick yard of one Lakkanna Nanjappa when his nephew was removing earth on 1st July 1909. It is not known when and under what circumstances the idols were hidden. It is said that the idols may belong to one of the temples in ruins for the last 70 or 80 years, though no positive evidence is forthcoming for this. The treasure is therefore declared ownerless under section 9 of the Treasure Trove Act VI of 1878 and may be handed over to the finder thereof.

Any person aggrieved by a declaration made under this section may appeal against the same within two months from the date thereof to the Chief Controlling Revenue Authorities.

Sd/- F. J. Richards.

Collector.

Copy

F. J. Richards

Collector.

[illegible]

(18) 1/6

Letter No. 129, dated the 3rd March 1910, from the - Offg. Superintendent, Government Museum, Madras to the ---- Collector, Civil and Military Station, Bangalore.

xxxxxxxxxxxxxxxxxx

In reply to your letter No. 699, dated 14th February 1910 regarding the idols concerned in the Domalur treasure trove case, I have the honour to inform you that the Superintendent, Archoeological Survey, Southern circle, who has been referred - to on the subject, while stating that he can ~~scarcely~~ scarcely say that the idols are of exceptional interest, is of opinion that they seem of value and worthy of acquisition. In case the idols are not acquired for this Museum, he wishes to consider the - desirability of his acquiring them for the Director-General Archoeology. In these circumstances, I am of opinion that the idols should be acquired on behalf of Government under the Indian Treasure Trove ActVI of 1878 and the rules made thereunder. If however, in view of the special circumstances of the case mentioned in your letter under reply, you consider the acquisition of the idols to be inexpedient, I have the honou to suggest that the Government may be moved to treat the case an exceptional one and exempt it from the operation of the rules referred to.

"C O P Y"

C o l l e c t o r.

MDD
26/4/10

AMILDAR'S REPORT

----oOo----

Reference No. 354/1909.

Submitted to the Collector.

It has been brought to my notice by the village officers of Domalur that two copper idols one representing "Easwara" and the other "Parvathi" measuring 1'-6" and 1'-9" in height respectively were found in a hedge in the rick yard of one Lakkanna - Nanjappa when his nephew was removing earth on the evening of - 1-7-09. The Idols have been handed over to the custody of -- L. Nanjappa for production before the Collector when required. The Idols are said to be the property of the Someswara Swami - temple which is now in ruins. The said temple is about 4 - furlongs away from the village and has been in ruins for the last 70 or 80 years. No body can explain how the idols came to be hidden in the rick yard of Nanjappa. The latter and th villagers request that the Idols may be handed over to them for constructing a Siva temple as they have no such temple now in the village.

Nanjappa says that he will undertake to construct a Siva temple at his own cost and keep the idols in it for worship. The Idols are estimated to be worth about Rs. 100/-

Orders are solicited as to whether the case can be dealt with under Treasure Trove Act VI of 1878.

The report of the village officers, statement of L. Nanjapp, and the mohozer given by the villagers are here with submitted

---

"C O P Y".

Collector.

27.4.10.

Office of the Collector & District Magistrate,
Civil and Military Station of Bangalore.
Dated 16th July 1909.

NOTIFICATION.

Under section 5 of the Indian Treasure Trove Act VI of 1878, it is hereby notified for the information of all concerned that on the evening of 1st July 1909 the undermentioned treasure was found in the hedge of the rick yard of one Lakannah Nanjappa while his nephew was removing earth, in the village of Domalur, Civil and Military Station of Bangalore.

Description of property.

1.	Copper Idol	representing "Easwara" 1'-9" in height.....	Weight. 52 Lbs.,	Value about Rs. 100/-
2.	Do.	representing "Parvathi" 1'-9" in height.....	28 Lbs.,	

2. All persons claiming the said treasure or part thereof are hereby required to appear personally or by agent before the Collector, Civil and Military Station of Bangalore at his office on Tuesday the 23rd November 1909 at 1 P.M., in view to the matter being enquired into and determined according to law.

"COPY"

Collector.

Inat
27.4.60

RESIDENT'S OFFICE
429
24.1.11
127/1910

8/2/1911

S.N.L

No. 230

23/1

Office of the Collector,
Civil and Military Station, Bangalore.
16 January 1911.

Dear Warburton

Please refer to my U. O. notes dated 28th May 1910 submitted with No.2645 in Resident's Office File No.127 of 1910 suggesting that orders about Domlur idols be deferred for six months.

2. Lakkanna Nanjappa and the villagers of Domlur are very earnest in the matter of consecrating these idols in a newly built temple, which unfortunately they cannot do as I understand the Military have prohibited the construction of any new buildings in Domlur. The only chance left to Nanjappa is to locate the idols in the old Siva Temple and I consider that this temple, an ancient one, should be preserved at the cost of Government. I shall address you officially on the subject of ancient monuments in the station in due course. In the meantime, I think orders may be passed on

my

S.N. 3 (14)

Proceedings of the Hon'ble the Resident in

Mysore.

***

No.823 Bangalore, the 13th February 1911.

Read:-

Letter No.1955, dated the 27th April 1910, from the -- Collector, Civil and Military Station, Bangalore, reporting on the action taken by him under the Indian Treasure Trove Act, VI of 1878, as applied to the Civil and Military Station in regard to two copper idols found in the yard of Lackanna Nanjappa on the 1st July 1909, and recommending that they may be handed over to the finder thereof.

ORDER.

The Collector's recommendation is approved.

L. P. B. Lowther
First Assistant Resident.

To

The Collector,

Civil & Military Station,

Bangalore.

K.N.
10.2.11.

S. N. 4 (13)

REF. 248/50-1910.

Office of the Collector,
Civil and Military Station, Bangalore
Dated 28th. May 1923.

From

T. Austin Esq., I.C.S.,
Collector,
Civil and Military Station, Bangalore

RESIDENT'S OFFICE
BANGALORE
Number No. 4095
Date of Receipt 30.5.23
No. 127/120

To

The Secretary to the Resident in Mysore,
Bangalore

Sir,

Domlur Treasure Trove Case - Correspondence ending with the Resident's Proceedings No.823 dated 13-2-1911.

I invite a reference to the correspondence which resulted in the issue of the above proceedings. For easy reference I give below a brief history of the case.

2. On 1-7-1909 one Iakkanna Nanjappa of Domlur village found in his rick yard two copper idols, one representing "Eswara and the other "Parvathi". They were taken possession of by Government and a notice was issued on 16-7-09 under Sec.5 of the Treasure Trove Act VI of 1878. The idols were subsequently declared ownerless under Sec.9 of the Act.

3. A reference was made to the Superintendent, Government Central Museum, Madras, under rule 3 of the rules in Resident's Notification No.26 dated 12-3-08, enquiring whether he had any objection to the idols being returned to the finder. That Officer suggested their acquisition on behalf of Government. In view, however, of the strong opposition of the villagers and of the idols not being of an exceptional interest the orders of the Resident were sought for on 26-4-10 to exempt them from rule 3 with a view to their being handed over to the finder.

4. The Resident was prepared to grant the exemption provided the Collector was assured that the finder really meant to erect a temple and would give assurance to his (Collector's) satisfaction. Mr. Richards was unofficially asked whether the

the assurance could be procured. The finder in his statement dated 28-5-10 before the Collector agreed to construct a temple. A copy of this statement was sent to the Residency on the same date with the recommendation that final orders be deferred for six months to permit the finder to show that he was earnest in the matter. On 13-1-11 Mr. Richards reported (D.O.) to the Residency that though the finder and the villagers of Domlur were in earnest in wishing to construct a temple they could not do it on account of the prohibition by the Military authorities of the construction of any new buildings in Domlur and that the only chance left to Nanjappa (finder) was to locate the idols in an old Shiva temple which he (the Collector) considered, should be preserved at the cost of Government. Accordingly he asked for final orders on his letter dated 26-4-10. In his proceedings No.823 dated 13-2-11 the Resident passed orders approving the recommendation of the Collector to hand over the idols to the finder.

5. The idols were not, however, returned to the finder and they are still in the Collector's office. It is not clear why they were not returned as soon as the Resident's orders were received.

6. On 16-1-23 Nanjappa petitioned me for the restoration of the idols to him. On 9-2-23 he gave a statement before the Dy. Collector in which he said that he was prepared to adhere to his statement dated 28-5-10 before Mr. Richards, but that he was not willing to build the temple in Domlur as he was leaving that village for good for Bangalore City and that he would construct a temple in the City within six months with the help of the Mundy merchants there who had promised to help him. Certain villagers of Domlur came to know this intention of Nanjappa and they, headed by one Pilliah, put in a Mahazar before the Junior Inspector and a petition to me protesting against the idols being handed over to Nanjappa and requesting that they might be handed over to them. They undertook to construct a temple in Domlur itself.

7. As the idols were dealt with under the Treasure Trove Act

'ct and as it contained no provision under which the idols could be handed over to the Villagers I informed them by a memo dated 19-3-23 that they should have advanced their claims when the notice under Section 5 of the Act was issued on 16-7-09 and that having failed to do so they had forfeited their right under Section 6 of the Act.

8. The Military prohibition of the construction of buildings in Domlur having now come to an end and the old Shiva temple referred to by Mr. Richards in his D.O.dated 13-1-11 having been removed by the Resident on 30-5-18 from the operation of the Ancient Monuments Preservation Act VII of 1904, I issued a memo dated 19-3-23 to Nanjappa reminding him finally of his undertaking dated 28-5-10 before Mr. Richards and definitely informing him that the idols would be acquired on behalf of the Government under Rule 3 of the Rules in Resident's Notification No.26 dated 12-3-08 if within three months he failed to construct a temple in Domlur itself to consecrate the idols. He was also told that his request to take the idols to Bangalore City could not be granted.

9. Nanjappa has now put in a petition repeating his request that the idols be restored to him to be consecrated in a temple to be constructed by him in the City. He is not likely to build a temple in Domlur: and the Villagers of Domlur are strongly against the idols being taken to Bangalore City. As the Resident's proceedings No.823 dated 13-2-11 was passed on the assurance given by Nanjappa that he would construct a temple in Domlur and as Nanjappa has not chosen to carry out, or at least to show that he has an intention to carry out, his undertaking, the only alternative now is, as already stated in my memo to him dated 19-3-23, to acquire the idols on behalf of the Government under rule 3 of the rules in the Resident's Notification No.26 dated 12-3-08. I f the Hon'ble the Resident agrees in this view I request that his Proceedings No.823 dated 13-2-11 be cancelled to enable me to take action under rule 3.

I have

(10)

I have the honour to be,

Sir,

Your most obedient servant,

(B.O) Mamaw Ogus
29.5.23
for COLLECTOR.

DESPATCHED
29 MAY 1923

S.N.5 (9)

C. O. 45.—R. P. B.—8-1921.—5,000.

No. 571 ENCLOS. ~~127-1910.~~ *Dated Bangalore,* 12th June 1923.

FROM A. N. L. Cater, Esq., I.C.S.,

SECRETARY TO THE RESIDENT IN MYSORE.

To The Collector,
Civil and Military Station, Bangalore.

Reference my/his letter/telegram No.248/50-10, dated the 28th May 1923.

Subject:—

DOMLUR TREASURE TROVE.

The Resident is inclined to think that the advice of some leading Hindus of the Station on the question may be obtained. A committee might be appointed and the matter referred to it. It might be desirable to entrust the idols to the villagers. In that case, to keep within the law, it would appear that Government would have to acquire the idols on behalf of the villagers on the undertaking that the villagers would pay for them. There might, however,

however, be religious or sentimental objections to transactions of the kind.

for SECRETARY TO THE RESIDENT.

BJ

Ref.248/50-1910

Enc one

Office of the Collector,
Civil and Military Station, Bangalore.

Dated, the 20th July '23

From,

T. Austin Esq, I.C.S.,
Collector,
C & M Station, Bangalore.

RESIDENT'S OFFICE,
BANGALORE.
Diary No. 5728
Date of Receipt 21-7-23
File No. 127/1910

To,

The Secretary to the Resident
in Mysore, Bangalore.

Sir,

Domlur Treasure Trove case - Your No.4571/127-1910
dated 12---6---1923.

In accordance with the above communication a committee was appointed and the matter referred to it. I enclose a copy of its opinion and solicit instructions whether the idols may be returned free to the villagers as suggested by the committee. I may point out (vide para 7 of my letter Ref.248/50-1910 dated 28/5/'23) that this course will not be quite in accordance with the law.

I have the honour to be,

Sir,
Your most obedient servant,

(B.O) Ramanathan
For COLLECTOR. 20.7.23

DS

DESPATCHED
20 JUL 1923

(6)

Opinion of the Temple Advisory Committee met on 9/7/1923 in the office of the Deputy Collector, Civil and Military Station, Bangalore.

Present:-

Mahomed Karimulla Farukki Sahib Bahadur
Mr. B.Venkatasawmappa, Contractor.
" S.Gurappa Reddi, Contractor.
" Maistri Ramayya
" " Pillaiya.

The Committee is of opinion that the idols Eswara and Parwathi found in the Domlur Village should be returned to the villagers of Domlur on their undertaking to construct a temple in the Domlur village within one year.

2. That the Committee is not in favour of fixing any value on the idols as it is considered disrespectful and --- irreligious to purchase or pay anything for them in as much as the idols were discovered from their own village.

1. Sd/- M.Venkataswamy
2 [illegible]
3 [illegible]
4 [illegible]
5 [illegible]
6 Sd/- M.Karimulla
9/7/23

(50)

/True copy/
[illegible]
Sheristadar 20-7-23

S. N. T.

C. O. 45.—R. P. B.—841921.—5,000.

7

No. 6531 ENCLOS. Dated Bangalore, 16-8-1923

FROM

SECRETARY TO THE RESIDENT IN MYSORE.

To the Coll^r. C & M station B'lore

LUC

Reference ~~my~~ his ~~letter~~ ~~telegram~~ No. Ref 248/50-1910 Dated 20th July 1923

Subject:—

Doulur Treasure Trove.

The Resident thinks that the best course in the circumstances will be to acquire the idols under sec. 16 of the Act, if it is possible to do so at a cost not exceeding Rs 100, and then to give them to the villagers gratis, provided they actually erect

a temple in the village within one year.* The Collector is requested to report whether the villagers agree to this condition.

* the period recommended by the Committee

Sd/ H L Carter
Secy to the Resident
12/8

CVO
13.8.23

L 1578

S.N.8

Ref. 248/50-1910

Office of the Collector,
Civil and Military Station, Bangalore,

Dated, the 29th September '23.

From,
T. Austin Esq, I.C.S.,
Collector,
C & M Station, Bangalore.

RESIDENT'S OFFICE
BANGALORE.
Register No. 7795
Date of Receipt 3.10.23
File No.

To,
The Secretary to the Resident
in Mysore, Bangalore.

Sir,

Domlur Treasure Trove - Your No.6531/121-1910 dated 16-8-23.

The villagers have agreed to erect a temple in the village within one year. I enclose a copy of their statement.

2. I propose to keep the idols with me until the temple is ready as the enthusiasm of the villagers might wane if I hand them over earlier.

3. In your number quoted in the title of this letter it is proposed to acquire the idols on behalf of Government at a cost not exceeding Rs100/-. Under the concluding portion of Section 16 of the Act this money has to be dealt with in the same way as the treasure. Sections 10 to 15 contain provisions as to how the treasure is to be divided among the finder and others, if any. It would appear from these selections that these persons can have a claim to the treasure only if they have appeared and advanced it before the Collector in response to the notification issued under Section 5 of the Act. Section 6 definitely says that "any person having any right to such treasure or any part thereof, as owner of the place in which it was found or otherwise, and not appearing as required by the notification issued under Section 5, shall forfeit such right". In the present case there was no response from the finder or any one else to the notification issued under Section 5 of the Act. In these circumstances I doubt if it is necessary at all at this distance of time to pay the money to any one. I solicit instructions

DESPATCHED
1-OCT 1923

I have the honour to be,
Sir,
Your most obedient servant
(Sd)
COLLECTOR.

Statement of Messrs. Maistry Pilliah, Nanjappa, Bommanpalli Pilliah, Ajjhakka Thimmiah, Agraharam Muniappa and Patel Ramareddi and others. Dated 10. 9. '23.

(2)

SWORN

We are all residents of Domlur village. We bind ourselves to build a temple for the two idols "Parvathi & Eswara" in the Domlur village within one year. Maistry Pilliah has agreed to give land for building the temple free of cost. We have sufficient money and materials to construct the temple and to instal the idols. We request that the two idols "Parvathi & Eswara" may be given to us. We will lay the foundation stone of the temple on the last day of Dasara i.e. on the 19th October 1923. We will submit plans etc to the President Municipal Commission through the Collector within 15 days from this date.

/True copy/

Mamun Nazar. 1.x.23

Sheristadar.

S. N. 9

C. O. 45.—R. F. B.—8-1923.—5,000.

No. 8463 ENCLOS.
127-1910.

Dated Bangalore, 23 October 1923

(1)

FROM

A. N. L. Cater, Esq., I.C.S.,

SECRETARY TO THE RESIDENT IN MYSORE.

To

The Collector,
Civil & Military Station, Bangalore.

Reference his letter No. 248/50-1910, dated the 29th September 1923.

Subject :—

DOMLUR TREASURE TROVE.

The Collector's proposal to keep the idols with him until the villagers erect a temple as promised is approved.

2. With reference to paragraph 3 of the Collector's letter, the Resident agrees that it is really not necessary to pay anyone at this late stage but if the finder comes forward and makes a claim, he should be paid. The initiative should be left to the finder.

BJ

for SECRETARY TO THE RESIDENT